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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY
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June 20, 1994

Mr. William F. Caton
Acting Secretary,
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Via Messenger

Re: **RM-8476**
Amendment of Section 95.801, et seq.
In the Interactive Video and Data Service

Dear Mr. Caton:

Submitted herewith on behalf of ITV, Inc. are an original plus four (4) copies of its Supporting Comments with respect to the above-captioned rulemaking proceeding.

Please direct any questions or comments pertaining to this submission to my office.

Respectfully submitted,



William J. Franklin
Attorney for ITV, Inc.

cc: ITV, Inc.
Service List

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 95.801,) RM-8476
et seq. In the Interactive)
Video and Data Service)

To: The Commission

SUPPORTING COMMENTS OF ITV, INC.

ITV, Inc. ("ITV") by its attorney and pursuant to Section 1.405 of the Commission's Rules, hereby supports the Petition for Rulemaking filed by EON Corporation ("EON").

ITV, Inc. ("ITV") is an IVDS licensee for the San Francisco MSA. Accordingly, ITV has experience in assessing the economics of the IVDS business. EON is one of several potential vendors of IVDS equipment. As part of its investigation of the IVDS industry, ITV has studied the proposals advanced by EON.

EON proposes generally that the Commission amend its IVDS rules to permit the mobile use of IVDS subscriber units that are not required to be permanently attached to a television set. Because IVDS is in its infancy and its future development is unclear, the EON proposal should be made the subject of a rulemaking to determine if EON's expanded vision for IVDS will serve the public interest.

In ITV's view, the mobile use of IVDS service will serve the public interest. However, there is one further issue which needs to be addressed in the Commission's Notice of Proposed Rulemaking.

The Omnibus Budget Reconciliation Act of 1993 (the "Budget Act") and the Commission's Second Report and Order in GN Docket No. 93-252 requires that any mobile service which meets that statutory definition of "Commercial Mobile Radio Service" be regulated as a common carrier. As contemplated by the Budget Act, the Commission will need to decide whether, or under what circumstances, the mobile use of IVDS will constitute a CMRS service offering. This determination should be made part of the Commission's proposed new IVDS rulemaking.

CONCLUSION

Accordingly, ITV, Inc. respectfully requests that the Commission institute a rulemaking based on EON's proposal and as set forth herein.

Respectfully Submitted,

ITV, INC.

By: William J. Franklin
William J. Franklin
Its Attorney

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CERTIFICATE OF SERVICE

I, Andrea Kyle, a secretary in the law firm of William J. Franklin, Chartered, hereby certify that the foregoing document was mailed via first-class U.S. mail, postage prepaid, this 20th day of June, 1994, to the following:

Lauren Battaglia, Esq.
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Andrea Kyle
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